

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lyndsay Williams et al.  
Serial No.: 10/790,602  
Confirmation No.: 9169  
Filed: March 1, 2004  
For: RECALL DEVICE

Examiner: Eric D. Bertram  
Art Unit: 3766

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| <b>Certificate of Electronic Filing Under 37 CFR 1.8</b>                                                                                                                                       |                                                 |
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4). |                                                 |
| Dated: <u>9/8/09</u>                                                                                                                                                                           | Signature: <u><i>James D'Annunzio Ellis</i></u> |

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending application that may contain subject matter related to this application:

| <u>Serial No.</u> | <u>Filing Date</u> | <u>Inventor(s)</u>    | <u>Attorney Docket No.</u> |
|-------------------|--------------------|-----------------------|----------------------------|
| 11/490,504        | 07/19/2006         | Kenneth Abbott et al. | M1103.70774US00            |

The above-identified co-pending application includes subject matter that is technically-related to subject matter of the present application and may contain claims that recite elements similar to those recited in claims of the present application. In handling prosecution of the above-identified application, the Examiners for this other application will search for relevant prior art and, in some circumstances, may take positions about the prior art and/or the interpretation of the claims that may be material to the examination of the present application.

Accordingly, the Examiner in the present application is requested to review the file history of the above-identified application to see whether there is any information that the Examiner believes may be relevant to the prosecution of the present application. It is assumed that the Examiner has access to the file history of the above-identified application, and Applicants do not plan to provide copies of items from that file. However, if the Examiner would like copies of any or all of the information included in the file history of the above-identified application or any other information related to that application, the Examiner is asked to contact the undersigned representative.

The Applicant would like to bring to the Examiner's attention the enclosed Office Action in related US application serial no. 11/490540 dated 4/29/2009.

The following are remarks concerning the other information cited:

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: 

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Docket No.: M1103.70797US00

Date: September 8, 2005

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